

**CONTRACT COMPLIANCE COMMITTEE**  
**and**  
**BLOOMINGTON HUMAN RIGHTS COMMISSION**  
**Minutes of December 12, 2022 Meeting**

Roll call: Chair Shadday took the roll. Present at this meeting in person were commissioners Ryne Shadday, Erin McAllister, Tonda Radewan and Byron Bangert. Present virtually were commissioners Valeri Haughton-Motley and Carolyn Calloway-Thomas. Commissioner Pam Jackson had notified staff she could not attend. Also present were Audrey Brittingham, Beth Cate and Barbara E. McKinney from the city legal department, Michael Shermis from CFRD, Gerami Pennyman from Telamon Energy and one member of the public, Joshua Fix.

**Contract Compliance Committee**

The Contract Compliance Committee of the BHRC met beginning at 12:15 on December 12, 2012, in the Allison Conference Room.

**Appeal of findings of unacceptability regarding Telamon Energy and Veregy:** McKinney explained that the city's Economic and Sustainable Development Department had solicited bids for commercial solar installation services. Two companies submitted bids, Telamon and Veregy. But neither fully complied with the city's affirmative action rules. Telamon submitted an AAP with its bid to ESD, instead of separately to the legal department as required by CCC rules. Veregy did not submit a plan until after the deadline to do so. The plan it initially submitted did not comply with CCC rules, but it amended its plan to comply. McKinney said she found both plans to be unacceptable under CCC rules. She notified both companies and they both appealed her finding in a timely manner.

She asked for the following to be admitted to the record: the Bloomington Human Rights Ordinance, the Contract Compliance Committee regulations, ESD's request for bids; the affirmative action plans submitted by Veregy and Telamon, McKinney's findings of unacceptability for both companies and their appeals of her findings. Bangert moved that these documents be admitted to the record. Radewan seconded. Shadday took the roll. Passed unanimously.

**Discussion:** Calloway-Thomas asked how we could reduce the number of findings of unacceptability and appeals. McKinney said she reviews hundreds of plans each year and she finds only a small percentage to be unacceptable.

**Decision:** Haughton-Motley moved that the CCC overturn both of McKinney's findings of unacceptability. Calloway-Thomas seconded. Shadday took the roll. Passed unanimously.

The CCC adjourned at 12:30 and immediately reconvened as the BHRC, with the same commissioners present.

## **BLOOMINGTON HUMAN RIGHTS COMMISSION**

### **Unfinished business**

**Approval of minutes of October 24, 2022 meeting:** McAllister moved that the minutes be approved as presented. Radewan seconded. Shadday took the roll; passed unanimously.

**Reports from commissioners:** No reports.

**Human rights award:** McKinney said the deadline for nominations is February 3, 2023. We included an article about the award in the December newsletter and the mayor's office will distribute a press release. McKinney reminded the commissioners that they can make nominations and asked the commissioners to publicize the award to their networks.

**Essay/art contest:** McKinney said the flyers had gone out to the schools. The deadline for the entries is 2/24/23.

**Future of HRC:** McKinney said that the HRC reorganization ordinance had been scheduled to go to the council on December 14, but that's been put off pending negotiations with the county. Bangert asked if the current commissioners would hold over until implementation of the reorganization plan; Cate said that was likely.

### **New business**

**Withdrawal of complaint for failure to cooperate:** McKinney said that she and McAllister had investigated a complaint alleging discrimination in public accommodations on the basis of disability. A woman said that she had called a hotel to see if they accepted service animals and was told they did. She paid for reservations for two nights. On the second morning, they saw her service dog and told her she had to leave, refusing to refund the second night's lodging. She filed a complaint. The hotel told a different story involving an unregistered male companion, a second dog, a mess in the hotel room and no indication that the service dog did anything for the complainant. The complainant said she would rebut the hotel's response but despite several requests, including a certified letter advising her that her complaint would be withdrawn for failure to cooperate if she didn't follow up, never did. McKinney asked the BHRC to withdraw the complaint for failure to

cooperate. Bangert moved that the complaint be withdrawn for failure to cooperate. Haughton-Motley seconded. Shadday took the roll. Passed unanimously.

**Settlement agreement:** McKinney said that she and Jackson had investigated a complaint alleging discrimination in housing on the basis of disability. The complainant said she told her landlord she needed an accessible apartment because of a disability. She said they didn't respond so she gave them a doctor's note and said she was moving out in a few days. They said they did respond; they told her she would need a doctor's note and they would look for an accessible apartment for her. They charged her \$1700 in various fees, including unpaid rent. To settle the complaint, they offered to waive the fees, and the complainant agreed. Radewan moved that the settlement agreement be approved as presented. Bangert seconded. Shadday took the roll; passed unanimously.

**New cases:** No new cases to assign.

**Other business:** Radewan said that the fair housing center's annual conference, their eleventh such conference, would be on April 12. It will be a virtual conference. So if the BHRC does any housing education events in April, fair housing month, it should avoid that date.

Shadday read a proclamation from Mayor Hamilton declaring December 13, 2022, to be Barbara McKinney Day. Cate provided lunch for the group. McKinney thanked everyone for, well, everything!

**Public input:** No public input.

**Adjournment:** Meeting adjourned at 12:45 p.m.

Respectfully submitted,

Barbara E. McKinney, director/assistant city attorney